

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

YONNA W. SHAW,

Plaintiff,

v.

JOHN DOE,

Defendant.

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Civil Action No. 5:10-CV-216 (HL)

ORDER

Before the Court is Plaintiff's Motion for Leave to Conduct Discovery (Doc. 2). Plaintiff has requested that the Court enter an order allowing her to conduct discovery in advance of the Rule 26(f) conference.

On June 3, 2010, Plaintiff, Yonna W. Shaw, filed a complaint against John Doe, asserting causes of action of libel per se and violations of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, *et seq.* Plaintiff seeks preliminary and permanent injunctions; special, general, punitive, and exemplary damages; and attorney's fees and expenses.

Plaintiff also filed the motion currently before the Court to conduct limited third-party discovery in advance of the Rule 26(f) conference. Plaintiff contends that John Doe published one or more defamatory statements about her on the website "Craigslist.org". (Compl., ¶ 2). Plaintiff alleges that in a posting on Craigslist, John Doe falsely associated her with an advertisement for adult services and

disseminated her cellular telephone number to persons interested in receiving the adult services in Virginia Beach, Virginia. (Compl., ¶ 6). She states that she received numerous telephone calls from persons seeking adult or phone sex services. (Compl., ¶ 8).

In her motion, Plaintiff states that John Doe has taken measures to hide or conceal his identity, but that it is possible to trace and positively identify the person responsible for the actions described in her complaint. Plaintiff seeks permission to serve a subpoena for the production of documents pursuant to Federal Rule of Civil Procedure 45 on Craigslist, Inc., which is the operator of the website on which John Doe posted the comments about Plaintiff, in order to obtain the IP address used by John Doe when the posting was made. Plaintiff also seeks permission to serve a Rule 45 subpoena on the internet service provider that owns the IP address to determine to which of its customers the address was assigned when the post was made. She has attached to the motion the subpoena she would serve on Craigslist, Inc.

Plaintiff's Motion for Leave to Conduct Discovery (Doc. 2) is granted. Plaintiff may serve the third-party subpoena on Craigslist, Inc., and once she has the IP address in hand, she may serve a third-party subpoena on the internet service provider that owns the IP address. No other discovery may be conducted without further order of the Court. Plaintiff shall file an amended complaint within 60 days of this Order which names the John Doe defendant identified through the discovery

process. If Plaintiff cannot file an amended complaint within 60 days for some reason, Plaintiff is directed to file a motion for an extension of time containing a detailed explanation of why the time limit cannot be met.

SO ORDERED, this the 16th day of June, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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